



Teaching
Regulation
Agency

Ms Bernadette Thayre: Professional conduct panel meeting outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

October 2022

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Ms Bernadette Thayre
TRA reference: 19685
Date of determination: 11 October 2022
Former employer: Rodborough School, Surrey

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means, to consider the case of Ms Thayre.

The panel members were Mr Ronan Tyrer (lay panellist – in the chair), Ms Penny Griffith (lay panellist) and Mrs Aisha Miller (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP Solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Thayre that the allegations be considered without a hearing. Ms Thayre provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Jacob Rickett of Capsticks Solicitors LLP, Ms Thayre or her representative, Mr Colin Henderson of the Reflective Practice.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 7 September 2022.

It was alleged that Ms Thayre was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

On 10 September and while employed as a teacher at Rodborough (“the School”):

1. She shared with pupils personal information about herself and/or third parties during a lesson including by:
 - a. telling one or more pupils she had been “cheated on” or words to that effect;
 - b. telling one or more pupils that Person A had been unfaithful to her;
 - c. showing one or more pupils a picture of Person A;
 - d. showing one or more pupils a picture of Person B;
 - e. providing one or more pupils with Person A’s telephone number.
2. She caused or allowed one or more pupils to telephone Person A and/or speak with Person A by telephone during a lesson.
3. She requested one or more pupils not to disclose the matters set out at paragraphs 1 and 2 above.
4. By her conduct set out in paragraph 1, she failed to maintain proper professional boundaries with pupils.
5. By her conduct set out in paragraph 2, she failed to have adequate regard for the need to safeguard pupils’ well-being in that she placed one or more pupils at risk of repercussions from Person A.
6. Her conduct set out in paragraph 3 above:
 - a. demonstrated a lack of integrity;
 - b. was dishonest.

Ms Thayre admits both the facts of the allegations and that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

In advance of the meeting, the panel received a bundle of documents which included:

Section 1: Chronology and anonymised pupil list and List of Key People – pages 3 to 4

Section 2: Notice of Referral, response and Notice of Meeting - pages 5 to 14

Section 3: Statement of agreed facts and presenting officer representations – pages 15 to 22

Section 4: Teaching Regulation Agency documents – pages 23 to 74

Section 5: Teacher documents – pages 75 to 108

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting. The panel noted that page 62 of the bundle is not an additional statement of Student 2 as described in the index, but is instead a note written by Person C.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Ms Thayre on 11 April 2022.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Ms Thayre for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Ms Thayre worked as a teacher of mathematics at the School from 1 September 2019. On 11 September 2020, the School was informed of an incident alleged to have occurred the previous day and Ms Thayre was suspended pending a full investigation. On 12 October 2020, Ms Thayre was dismissed from her role. On appeal, the decision to dismiss her was upheld.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

On 10 September and while employed as a teacher at Rodborough (“the School”):

1. You shared with pupils personal information about yourself and/or third parties during a lesson including by:

- a. telling one or more pupils you had been “cheated on” or words to that effect;**
- b. telling one or more pupils that Person A had been unfaithful to you;**
- c. showing one or more pupils a picture of Person A;**
- d. showing one or more pupils a picture of Person B;**
- e. providing one or more pupils with Person A’s telephone number.**

Ms Thayre admitted this allegation including all aspects of its particulars in both her response dated 3 May 2022 to the notice of referral and in the statement of agreed facts signed by her on 11 April 2022. In respect of allegation 1d, Ms Thayre accepts that a photograph was shown including Person B but that Person B was not identifiable in the image shown.

Witness statements of pupils support each aspect of this allegation.

Ms Thayre accepted these allegations during the school’s investigation meeting on 17 September 2020 having stated “it was exactly as how you think it is, or have been told”.

The panel noted that at times, Ms Thayre has referred to the incident taking place on 20 September 2022. The panel noted that witness statements were taken from some of the pupils on 11 September 2022 and referred to an incident on 10 September 2022. The panel was satisfied that the incident occurred on 10 September 2022 and Ms Thayre had been mistaken when she referred to a different date.

Ms Thayre describes the incident stating that she [REDACTED], having discovered that Person A had been unfaithful. Nevertheless she proceeded to teach the final class of the day. She described that one of the pupils had held the door shut briefly, messing around, and that she had burst into tears. The pupils asked if she was OK, and she reassured them that it was not their antics that had made her cry. She stated that the pupils badgered her as to who had upset her, and that “stupidly”, she had handed over her phone with Person A’s number on it, indicating that he had been unfaithful. She stated that one of the pupils phoned the number and “*had a go at Person A and one or two*

other pupils chipped in. I was so vulnerable that for a moment I almost felt supported by this, but then suddenly realised the pupils was taking advantage of the situation, thought 'what are you doing' and stopped the call after a few seconds and asked the pupil to delete and block the number on his phone. Whilst upset I showed the pupils a picture of Person A and they tried to cheer me up... The picture of Person B which I showed only showed a close up of the earring and not enough to identify Person B."

In light of Ms Thayre's admissions, supported by the evidence of pupils, the panel found this allegation proven.

2. You caused or allowed one or more pupils to telephone Person A and/or speak with Person A by telephone during a lesson.

Ms Thayre admitted this allegation in both her response dated 3 May 2022 to the notice of referral and in the statement of agreed facts signed by her on 11 April 2022. In the statement of agreed facts, Ms Thayre acknowledges the serious error of judgement that she made.

Witness statements from pupils provide details about the telephone conversation between Person A and pupils, including how the telephone call came about and the nature of the conversation.

There is evidence that, after Ms Thayre provided Student 2 with Person A's telephone number, Student 2 initiated a call to Person A. Some pupils' witness statements indicate that the telephone call took place on speakerphone and that Student 2 led the conversation while other pupils made additional comments. Pupils' witness statements state that Person A shouted at pupils during the call.

An email from Person A demonstrates that he had accepted the call from the pupil.

In light of Ms Thayre's admission and the supporting evidence, the panel found this allegation proven.

3. You requested one or more pupils not to disclose the matters set out at paragraphs 1 and 2 above.

Ms Thayre admitted this allegation in both her response dated 3 May 2022 to the notice of referral and in the statement of agreed facts signed by her on 11 April 2022. Ms Thayre also made an admission regarding this allegation during the School investigation process.

Witness statements from pupils support that Ms Thayre requested pupils not to tell any other people about the incident and that they should "keep it quiet".

In light of Ms Thayre's admission and the supporting evidence, the panel found this allegation proven.

4. By her conduct set out in paragraph 1, you failed to maintain proper professional boundaries with pupils.

Ms Thayre admitted this allegation in both her response dated 3 May 2022 to the notice of referral and in the statement of agreed facts signed by her on 11 April 2022.

The panel considered that, in the context in which this information was shared, Ms Thayre had clearly failed to maintain proper professional boundaries with pupils when she acted as found proven as set out in paragraph 1.

The panel found this allegation proven.

5. By your conduct set out in paragraph 2, you failed to have adequate regard for the need to safeguard pupils' well-being in that you placed one or more pupils at risk of repercussions from Person A.

Ms Thayre admitted this allegation in both her response dated 3 May 2022 to the notice of referral and in the statement of agreed facts signed by her on 11 April 2022. Ms Thayre has accepted that by allowing pupils to contact Person A (a third party outside the School environment) this created a possible risk to pupils, although she did not believe that pupils were at any risk from Person A. It appears that any risk of repercussions from Person A did not materialise but does not alter the fact that there was an unnecessary risk created by allowing contact with a third party outside of the School environment.

There is evidence from some pupils that there was verbal abuse from Person A used towards pupils.

Person A was known to Ms Thayre and she would have understood that Person A would not have, ordinarily, posed a risk to pupils, but would not have known how he would have reacted to an unsolicited call from one of her pupils. The panel doubted that Ms Thayre had safeguarding concerns in her mind given that this was an incident that escalated swiftly. However, given that a possible risk was present, Ms Thayre ought to have had more regard for the need to safeguard pupils.

The panel found this allegation proven.

6. Your conduct set out in paragraph 3 above:

a. demonstrated a lack of integrity;

b. was dishonest.

Ms Thayre admitted both aspects of this allegation in her response dated 3 May 2022 to the notice of referral and in the statement of agreed facts signed by her on 11 April 2022.

Ms Thayre accepts that by requesting pupils not to tell other people about the incident and that they should "keep it quiet", her conduct demonstrated a lack of integrity.

There were opportunities for Ms Thayre to raise what had happened when Person C came into the classroom during the lesson, or immediately afterwards. Ms Thayre did not take that opportunity. The panel considered that in asking pupils not to refer to the incident, knowing that it could cause difficulty for her, Ms Thayre took advantage of her position as a teacher and breached the ethical standards expected of the profession.

In the statement of agreed facts, Ms Thayre states that she does not believe that she intended to 'cover up' any aspect of her conduct. She asserts that she is, ordinarily, a very honest person. Ms Thayre accepts that when applying the objective standards of ordinary decent people, by making the request of pupils, she acted dishonestly.

The panel considered that Ms Thayre's instruction to pupils to "keep it quiet" indicated her intention to conceal the incident. The objective standard of ordinary decent people would consider such conduct to be dishonest.

The panel found this this allegation proven.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Ms Thayre in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Thayre was in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Ms Thayre fell significantly short of the standards expected of the profession.

In addition, the panel noted that Part One of Teachers Standards required Ms Thayre to manage behaviour effectively to ensure a good and safe learning environment. This required Ms Thayre to have clear rules and routines for behaviour in classrooms and take responsibility for promoting good and courteous behaviour both in classroom and around the school; for her to manage classes effectively; and to maintain good relationships with pupils, exercise appropriate authority and act decisively when necessary. On this occasion, the panel considered that Ms Thayre had failed to exercise appropriate authority over the class, and to set appropriate rules to promote good behaviour.

The panel considered the circumstances in which the incident arose. It is apparent that Ms Thayre was experiencing [REDACTED], at the time. She states that other colleagues had, immediately beforehand asked if she was OK to teach, yet she did not feel she could “let down” her colleagues by not teaching the class. Ms Thayre had a personal responsibility to decide whether or not to teach the class, and having decided to do so, she allowed her [REDACTED] to take over, engaging in what she has described as “stupid, indulgent behaviour”. There were opportunities for Ms Thayre to report what had happened, including when Person C came into the classroom during the course of the lesson. Failing to take that opportunity, and asking the pupils to “keep it quiet”, exacerbated the seriousness with which the panel viewed her misconduct.

The panel also considered whether Ms Thayre’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

Although this was an isolated incident, the panel did not consider the matter to be a low level concern.

Accordingly, the panel was satisfied that Ms Thayre was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way they behave.

Reporting the incident immediately could have limited the impact, and the potential for bringing the profession into disrepute. However, by omitting to make others aware of the incident and asking pupils to “keep it quiet”, led to one pupil informing a parent and the school conducting an investigation. Had the School been alerted earlier, it would have been better able to manage the situation and provide assurance to parents that there was no ongoing risk. In seeking to conceal the incident, Ms Thayre deprived the School

of the opportunity to take pre-emptive action to safeguard the interests of pupils and the School by: ensuring social media posts relating to the incident were removed; the telephone number of Person A was deleted; and contacting Person A to reduce any risk of repercussions. All of those measures could have mitigated the impact on the reputation of the profession.

In concealing the incident, the panel found that Ms Thayre's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of all of the allegations proved, the panel further found that Ms Thayre's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found all of them to be relevant in this case, namely the protection of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

Whilst there was a public interest consideration in respect of the protection of pupils and protection of the public, the panel did not consider there to be an ongoing risk, given Ms Thayre's insight and [REDACTED], discussed further below. This was an isolated incident, triggered by [REDACTED] and the panel did not consider that Ms Thayre would otherwise, ordinarily, have posed a safeguarding risk to pupils or other members of public. However, the panel recognised, that Ms Thayre [REDACTED] and that a future [REDACTED], could trigger a safeguarding event, if not managed effectively.

The panel considered that public confidence in the profession could be weakened if conduct such as that found against Ms Thayre were not treated seriously when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms

Thayre was outside that which could reasonably be tolerated, particularly since she sought to conceal the incident.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Thayre.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Thayre. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

serious departure from the personal and professional conduct elements of the Teachers' Standards;

abuse of position or trust...

dishonesty or a lack of integrity including the deliberate concealment of their actions... or involved the coercion of another person to act in a way contrary to their own interests.

collusion or concealment including...failing to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions; encouraging others to break rules; lying to prevent the identification of wrongdoing.

The panel considered that Ms Thayre had abused her position to the extent that she let her pupils down in failing to exercise appropriate authority over them and to act decisively to contain the quickly escalating situation. Furthermore, she abused her position in asking the pupils to "keep it quiet".

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was evidence that Ms Thayre actions were deliberate, albeit she acted impulsively, rather than her actions having been planned beforehand.

There was no evidence to suggest that Ms Thayre was acting under extreme duress, in the sense that there was no physical threat or significant intimidation. Nevertheless, her actions were taken when [REDACTED].

There was no evidence of Ms Thayre having demonstrated exceptionally high standards in both personal and professional conduct and having contributed significantly to the education sector. Ms Thayre secured her first post as a mathematics teacher in June 2017 and there are no previous disciplinary orders or warnings against her.

After being dismissed from the School, Ms Thayre secured a position to cover a maternity leave as a food technology teacher, and has subsequently worked as a maths supply teacher. Ms Thayre has provided a message from the supply agency informing her that the head of maths at a school in which she had undertaken supply work had been “really impressed” by her teaching and thanked her for her efforts.

Ms Thayre has provided the panel with four statements of witnesses attesting to her character. All were aware that their statements were to be used for this hearing and were aware of the allegations against her. This includes a statement from a close friend who described her dedication to teaching, and the personal difficulties that she has experienced over many years that has [REDACTED]. He also stated that Ms Thayre has taken full responsibility for her actions, that she wholeheartedly regrets them and that she has taken significant learnings from the experience.

Another personal friend, [REDACTED], also described how Ms Thayre has [REDACTED] over some considerable time. She states that she is aware that Ms Thayre deeply regrets her lack of judgment and the actions that took place, and that they were out of character, she having never known Ms Thayre to be dishonest.

Person D has also provided a statement explaining [REDACTED] determination to qualify as a teacher, and the difficulties Ms Thayre has experienced in her personal life during the latter part of 2019 and 2020. She has stated that Ms Thayre is very sorry for the behaviour, that she understands the gravity of what occurred, and that she would do anything to turn back the clock and ask for help. She has also stated that Ms Thayre would, under no circumstances, take her personal circumstances into the classroom again.

The final witness statement is from a witness [REDACTED]. She has described Ms Thayre as being extremely professional, with an excellent understanding of the curriculum and ability to understand her daughter’s learning needs. She has described that Ms Thayre experienced a [REDACTED] following the end of her marriage. She has also stated that since the disciplinary hearing, Ms Thayre proactively sought support and [REDACTED], and that she presents as more confident and determined.

Ms Thayre has described having sought [REDACTED]. She has provided an assurance that she would seek [REDACTED] and the support of her employer going forwards. With the appropriate support, the panel did not consider that there was significant risk of repetition. She has taught successfully after the incident, and has reflected appropriately on what happened.

Ms Thayre has recognised that her actions were unacceptable and inappropriate. She has stated that she is “whole-heartedly remorseful”. She admitted her actions as soon as the School confronted her with the allegations, and did not seek to deny them either in the school disciplinary investigation, nor the proceedings before this panel.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order was a proportionate and appropriate response. Given that this was an isolated incident, the conduct was not at the most serious end of the possible spectrum and, considering the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

The panel determined that a recommendation for a prohibition order would not be appropriate in this case.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published.

In particular, the panel has found that Ms Thayre is in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also, “satisfied that the conduct of Ms Thayre fell significantly short of the standards expected of the profession.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Thayre, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “the panel considered that Ms Thayre had failed to exercise appropriate authority over the class, and to set appropriate rules to promote good behaviour.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “Ms Thayre has recognised that her actions were unacceptable and inappropriate. She has stated that she is “whole-heartedly remorseful”. She admitted her actions as soon as the School confronted her with the allegations, and did not seek to deny them either in the school disciplinary investigation, nor the proceedings before this panel.” I have therefore given this element considerable weight in reaching my overall decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “In concealing the incident, the panel found that Ms Thayre’s actions constituted conduct that may bring the profession into disrepute.”

I am particularly mindful of the finding of dishonesty and lack of integrity in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Thayre herself. The panel comment "She has taught successfully after the incident, and has reflected appropriately on what happened." A prohibition order would prevent Ms Thayre from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments, "this was an isolated incident, the conduct was not at the most serious end of the possible spectrum and, considering the mitigating factors that were present,"

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 12 October 2022

This decision is taken by the decision maker named above on behalf of the Secretary of State.